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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,516	03/26/2004	James R. Tighe	062891.1232	1208

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DALLAS, TX 75201-2980

EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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04/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,516	<b>Applicant(s)</b> TIGHE ET AL.	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/12/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 25-30** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 25 recites "Logic for supporting communications". Logic is software and software is not patentable subject matter according to interim guidelines.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen et al. (US 6,847,618 B2) in view of Kumar et al. (US 6,526,445 B1).

Regarding **claims 1 and 31**, Laursen discloses a method for supporting communications [a method for distributed conference processing, column 1, lines 14-16] comprising:

establishing a communications conference, the communications conference including a plurality of conference participants, each conference participant providing an audio stream [A conference call agent is used to establish a conference call for call participant, column 6, line 63 to column 7, line 17];

identifying audio data packets in the audio streams [The packets processor identifies the packets in the audio stream to be process, column 10, lines 44-56];

mixing audio information from selected ones of the audio data packets to generate a conference audio stream [The packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21];

communicating the conference audio stream to the conference participants [The conference call agent establishes a conference call and audio data flow from the conference call participants, column 22, lines 25-44];

Laursen fails to disclose identifying enhanced media packets embedded in at least one of the audio streams.

However, Kumar teaches identifying enhanced media packets embedded in at least one of the audio streams [The MC 220 identifies the media packets on the H.323 model, column 5, line 60 to column 4, line 18]; and

communicating the enhanced media packets to selected ones of the conference participants [Each terminal receiving the multicast video to be display to the user terminal, column 5, line 60 to column 4, line 18].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Laursen using the teaching of media in the packets as taught by Kumar.

This modification of the invention enables the system of Laursen to identify enhanced media packets embedded in at least one of the audio streams so that the user would have video display at the terminal.

Regarding **claims 2, 8 and 26**, Laursen discloses a method, wherein communicating the enhanced media packets to selected ones of the conference participants comprises embedding the enhanced media packets in the conference audio stream [The packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21].

Regarding **claims 3, 9 and 27**, Laursen discloses a method, wherein the selected ones of the conference participants consist of all conference participants except a particular conference participant that embedded the enhanced media packets in a particular audio stream in which the enhanced media packets were received [The packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21].

Regarding **claims 4, 10 and 28**, Laursen discloses a method, wherein communicating the enhanced media packets to selected ones of the conference participants comprises identifying conference participants capable of using the enhanced media packets and communicating the enhanced media packets to the identified conference participants [The conference call agent establishes a conference call for a number of participants, column 22, lines 25-44].

Regarding **claims 5, 11, 17, 23 and 29**, Kumar teaches a method, wherein each selected one of the conference participants is operable to automatically display an

enhanced media window in response to receiving the enhanced media packets [Each terminal receiving the multicast video to be display to the user terminal, column 5, line 60 to column 4, line18].

Regarding **claims 6, 12, 18, 24 and 30**, Laursen discloses a method, wherein the enhanced media packets comprise video packets [The packets processor processes the audio packets in the respective audio channel or video packet, column 14, lines 9-21].

Regarding **claim 7**, Laursen in combination with Kumar disclose all the limitations of claim 7 as stated in claim 1's rejection above. Furthermore Laursen discloses an apparatus supporting communications (FIG. 2).

Regarding **claim 13**, Laursen in combination with Kumar disclose all the limitations of claim 13 as stated in claim 1's rejection above.

Furthermore Laursen discloses a conference bridge (213c on FIG. 2), a first conference participant, and a second conference participant (FIG. 15).

Regarding **claims 14 and 20**, Kumar teaches a system, wherein communicating the enhanced media packets to the second conference participant comprises tunneling the enhanced media packets in a conference audio stream to the second conference

participant [Each terminal receiving the multicast video to be display to the user terminal, column 5, line 60 to column 4, line18].

Regarding **claims 15 and 21**, Kumar teaches a system, wherein communicating the enhanced media packets to the second conference participant comprises communicating the enhanced media packets in an enhanced media communication link to the second conference participant [Each terminal receiving the multicast video to be display to the user terminal, column 5, line 60 to column 4, line18].

Regarding **claims 16 and 22**, Kumar teaches a system, wherein the conference bridge is further operable to redirect the message to selected ones of the conference participants, the selected ones of the conference participants including the first conference participant [Each terminal receiving the multicast video to be display to the user terminal, column 5, line 60 to column 4, line18].

Regarding **claim 19**, Laursen in combination with Kumar disclose all the limitations of claim 19 as stated in claim 1's rejection above.

Furthermore Laursen discloses a packet-based telephony device (105 on FIG. 1) and a computing device coupled to the telephony device (155 on FIG. 1).

Regarding **claim 25**, Laursen in combination with Kumar disclose all the limitations of claim 25 as stated in claim 1's rejection above.



Furthermore Laursen discloses Logic for supporting communications (column 12, lines 37-43).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Surazski et al. is cited for automated conference moderation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner, Art Unit 2614

/GG/  
April 8, 2008